



STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 1199A
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PERMIT 614A

LICENSE 904A

THIS IS TO CERTIFY, That

Woodland-Davis Clean Water Agency
1717 Fifth Street
Davis, CA 95616

has the right to the use of the waters of **Sacramento River** in **Yolo County**
tributary to **Suisun Bay**

for the purpose of **municipal, industrial, irrigation, fisheries and aquaculture research and incidental fish and wildlife enhancement uses.**

The Deputy Director for Water Rights finds that: (a) the change will not operate to the injury of any lawful user of water; (b) good cause has been shown for the change; (c) the petition does not constitute the initiation of a new right; and (d) the State Water Resources Control Board (State Water Board) has made the required findings pursuant to the California Environmental Quality Act (CEQA) or the project is exempt from CEQA.

Additionally, the State Water Board has complied with its independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346], 658 P.2d 709.)

This amended license is being issued in accordance with the redelegations of authority (Resolution No. 2012-0029). Therefore, this amended license on **Application 1199** filed on **March 1, 1919** has been approved by the State Water Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions herein.

Amended License 904A supersedes the license originally issued on **April 18, 1930**, which was perfected in accordance with the laws of California, the Regulations of the State Water Board, or its predecessor, and the terms of **Permit 614**. The priority of this right dates from **March 1, 1919**. Proof of maximum beneficial use of water under this license was made as of **October 8, 10 and 11, 1921 and July 13, 1922** (the date of inspection).

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed an average diversion rate of **eighty (80) cubic feet per second** and an instantaneous diversion rate of **one hundred (100) cubic feet per second** by direct diversion from (a) **about April 1 to about September 30** of each year for irrigation, and (b) **April 1 to September 30** of each year for all other beneficial uses. Total maximum authorized diversions during July 1 through September 30 of each year shall not exceed **7,500** acre-feet per year. The maximum quantity diverted under this license shall not exceed **10,000** acre-feet per year.

The maximum combined diversion under License 904A (Application 1199A) and License 5487A (Application 12073A) shall not exceed **10,000 acre-feet** per year.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

By California Coordinate System of 1983, Zone 2, North 2,008,200 feet and East 6,667,300 feet, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 34, T10N, R3E, MDB&M.

Upon completion of a fish screen diversion facility, diversion at the following point of diversion shall be discontinued:

By California Coordinate System of 1983, Zone 2, North 2,008,400 feet and East 6,667,100 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27, T10N, R3E, MDB&M.

THE POINTS OF REDIVERSION OF SUCH WATER ARE LOCATED:

1. By California Coordinate System of 1983, Zone 2, North 1,997,410 feet and East 6,656,940 feet, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 8, T9N, R3E, MDB&M.
2. By California Coordinate System of 1983, Zone 2, North 1,997,830 feet and East 6,650,590 feet, being within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 6, T9N, R3E, MDB&M.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Municipal and Industrial uses within City of Woodland, City of Davis and University of California, Davis within T8N, R1E, R2E and R3E; T9N, R2E and R3E; T10N, R2E and R3E, MDB&M; Irrigation on 23,950 acres within T8N, R1E, R2E and R3E; T9N, R2E and R3E; T10N, R2E and R3E, MDB&M; and Fisheries and Aquaculture Research within projected Sections 16 and 21, T8N, R2E, MDB&M as shown on map dated March 28, 2011 filed with the State Water Board.

Irrigation and incidental fish and wildlife enhancement on 21,314 acres within T9N, R2E; T9N, R3E; T10N, R2E and T10N, R3E, MDB&M, as shown on map dated February 17, 1920 filed with the State Water Board.

License 904A is specifically senior in priority to License 904B for water put to municipal and industrial purposes of use. For all other purposes of use, Licenses 904A and 904B shall have co-equal priority.

Any water diverted under this license and conveyed to a municipal water treatment plant shall be construed as being used for municipal and/or industrial use and shall be separately reported by licensee. Licensee shall make monthly reporting data publicly available. Licensee shall timely inform the owner(s) of Licenses 904B and 5487B (Applications 1199B and 12073B) of the site where these public data will be available, and of any subsequent changes thereto.

The maximum seasonal quantity of water to be directly diverted pursuant to Licenses 904A and 5487A and under licensee's Sacramento River Settlement Contract with the U.S. Bureau of Reclamation shall not exceed 10,000 acre-feet during the period from about April 1 through about October 31 during the term of that contract or any renewals thereof, and for an amount not to exceed 10,000 acre-feet during the period from about April 1 through about October 31, if that contract is not in place.

Licensee shall install and maintain devices satisfactory to the State Water Board to measure the instantaneous rate of diversion, the amounts of water diverted each day, and the cumulative quantity of water diverted under this license. Licensee shall make daily readings of these measuring devices and record these readings separately for each water right held by Licensee. Records of all such measurements shall be maintained by Licensee, and made available to interested parties upon reasonable request. Licensee also shall, subject to any applicable Homeland Security restrictions, post such records on a publicly accessible website within 48 hours after the measurements are made. Copies of the records shall be submitted to the State Water Board with the annual Report of Licensee and concurrently submitted to the Department of Fish and Game.

Licensee shall allow the Department of Fish and Game, or a designated representative, reasonable access to measuring devices for the purpose of verifying measurement readings.

Irrespective of whether the diversion intake facility is used by more than one entity, the water diverted by Licensee shall be separately accounted for. After diversion, the water diverted by Licensee shall be conveyed to a separate metering facility and separately metered and reported.

After January 1, 2016, no water shall be diverted under this license except through a fish screen on the intake to the diversion structure, satisfactory to meet the physical and operational specifications of the Department of Fish and Game, U.S. Fish and Wildlife Service and National Marine Fisheries Service, as specified at the time the last permit for construction is issued, to protect species of fish listed as endangered or threatened under the California Endangered Species Act (Fish and Game Code sections 2050 to 2098) or the federal Endangered Species Act (16 U.S.C. sections 1531 to 1544). Construction, operation, and maintenance costs of the required facility are the responsibility of the Licensee.

Licensee shall comply with all applicable requirements in existing and future biological opinions and permits, including any permits issued by the Department of Fish and Game, State or Regional Water Boards, National Marine Fisheries Service, U.S. Fish and Wildlife Service, and Army Corps of Engineers, for aquatic and terrestrial species associated with activities involving this license.

While Licensee's Sacramento River Settlement Contract with the United States is in effect, the amount authorized for diversion under Licenses 904A and 5487A in any month shall not exceed the quantities listed for each month in Exhibit A to Contract No. 14-06-200-7422X-R-1 except as provided for by the terms of that contract, and the total amount shall not exceed 10,000 acre-feet per year.

If it is determined after license issuance that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, Licensee shall, at his expense, have the subject map(s) updated or replaced with equivalent as-built map(s). Said revision(s) or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in section 715 and sections 717 through 723 of the California Code of Regulations, Title 23. Said revision(s) or map(s) shall be furnished upon request of the Deputy Director for Water Rights.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the State Water Board.

Licensee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

The quantity of water diverted under this license is subject to modification by the State Water Board if, after notice to the licensee and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

This license does not authorize any act which results in the taking of a threatened or endangered species or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2089) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the state or federal Endangered Species Acts for the project authorized under this license.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the State Water Board. Section

1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefore shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:
JAMES W. KASSEL FOR

*Barbara Evoy, Deputy Director
Division of Water Rights*

Dated: DEC 21 2012